

Applicant respectfully requests reconsideration of the prior art rejections set forth by the Examiner under 35 U.S.C. §§ 102 and 103. Applicant respectfully submits that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicant's presently claimed invention.

More specifically, Applicant notes that the claimed invention is directed to new and improved systems and methods for more quickly and efficiently transmitting requests for proposal or bids on customized goods and services to a selected number of qualified vendors. The entity submitting the request for proposal is initially presented with an identified group of potential vendors. Thereafter, the RFP information is transmitted to the selected vendor. Applicant submits that the references of record, whether considered alone, or in combination, fail to either teach or suggest this advance in the art.

In particular, Applicant notes that the primary reference upon which the Examiner relies in rejecting the claims *Walker*, United States Patent No. 5,794,207, is merely directed to systems and methods effecting bilateral buyer-driven commerce. The *Walker* '207 reference teaches that perspective buyers of goods and services communicate a binding purchase offer globally to potential sellers for sellers conveniently to search for relevant buyer purchase offers and for sellers potentially to bind a buyer to contract based on the buyers' purchase offer. See specifically the abstract of the disclosure.

In the *Walker* '207 patent, a controller receives binding purchase offers from perspective buyers. The controller makes purchase offers available globally to potential sellers and potential sellers then have the option to accept a purchase offer and thus bind the corresponding buyer to a contract.

In a more general sense, the *Walker* '207 patent is essentially directed to a means for automatically generating a binding contract between a buyer and a seller of typically fungible goods and/or services. This is in sharp contrast to the presently claimed invention wherein a

potential buyer generates an RFP or specification for a desired product or service. Thereafter, this specification is automatically matched with a group of potential vendors from among a pool of vendors who are qualified to perform the requested services and/or provide the specified goods.

At this point, in accordance with the systems and methods of the present invention, a binding contract has not been created. Rather, in accordance with the claimed invention, the systems and methods provide buyers with the ability to automatically identify potential vendors for their desired goods and/or services. This is in sharp contrast to the device of Walker Digital wherein the systems and methods of the *Walker* '207 patent merely facilitate the ability for buyers to receive a lowest acceptable price for typically fungible goods and/or services based on what the seller is willing to accept.

The buyers in the Walker Digital patent, are essentially automatically bound upon acceptance of the offer. There is neither teaching or suggestion in this reference to provide buyers with a select group of vendors who are capable of providing the desired goods and/or services so that the buyer may thereafter determine those vendors who shall receive the specific requests for proposal. Thereafter, in response to the transmitted request for proposal, the plurality of buyers may generate bids for the desired goods and/or services. Even at that point, the bids would not create a binding contract.

There are numerous additional steps in the presently claimed invention which are neither obvious nor disclosed directly in the Walker Digital reference. Applicant further notes that the specific portions of Walker Digital upon which the Examiner relies in rejecting the claims for identifying the presence of certain limitations in the reference are clearly distinct and non-obvious from those cited portions of the Walker Digital reference. For example, in regard to the rejection of claim 1, the Examiner identifies the step of comparing said vendor records to said job data as being found in column 10, lines 57 through column 11,

line 3 of the Walker Digital reference. This step in the claim is directed to Applicant's claim process of matching qualified vendors with RFPs or specifications in order to identify a group of qualified product or service vendors.

In contrast, the cited portion of the *Walker* '207 patent at column 10, lines 57 through column 11, line 3 is merely directed to the broadly stated goals of the Walker Digital disclosure which are to provide a system which matches buyer's requirements with seller's capable of satisfying those requirements. The Walker Digital does not specifically teach how this may be achieved other than through more globally transmitting conditional purchase offers (CPOs). The Examiner's rejection then points out that column 13, lines 10-22 expressly teaches the identification of at least one of the vendor records as being qualified for receiving an invitation for a bid based on the comparison.

Actually, a review of this portion of the Walker Digital specification is directed to the description of the so-called "seller" database which maintains data on sellers with fields such as "name, contact information, public/private key information, payment preferences, type of business, and goods sold on." This paragraph goes on to state that "upon registration, the seller may be required to demonstrate evidence of ability to deliver on bound CPOs." Furthermore, an airline, for example, might submit a listing of the city pairs they service so that central controller 200 can quickly determine whether the airline is capable of satisfying a given CPO 100. It is important to recognize that this occurs after the fact when the vendor has already sought to create a contract by accepting a CPO.

The cited portion provides no teaching or suggestion whatsoever regarding comparing vendor capabilities with received specification data in order to determine whether the vendor from among a group of vendors is actually qualified in order to receive the RFP or specification.

It is important to understand this significant distinction between the references. At the point described in the Walker Digital '207 patent at column 13, lines 10-22, the vendor has already received a CPO and has determined that the vendor wishes to accept the CPO. It is only at that point that the Walker '207 patent teaches that the system will then verify that the vendor is capable of providing the services. This contrast sharply with the presently claimed invention wherein specification data is selectively transmitted to only those vendors from among a pool of vendors that are qualified to provide the specified goods and/or services in an RFP.

Applicant further notes that the remaining of references similarly fail to provide any such teaching or suggestion regarding this advance in the art. At the very least, because these limitations are not present, Applicant submits that the rejections are improper.

Accordingly, in light of the foregoing, Applicant respectfully requests the Examiner withdraw these rejections and allow all claims in the application.

Respectfully submitted,

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CLEAN VERSION OF CLAIMS

Sub B1
1. A method for bidding by vendors of customized goods or services, comprising steps of:

receiving a vendor record, said vendor record having vendor identifier data representing a vendor, and a vendor capability data identifying a capability of said vendor to provide a customized goods or services;

receiving a job data from a buyer, said job data having a buyer identifier data, and a job descriptor data representing a custom job for which said buyer wishes a price quote or bid;

comparing said vendor records to said job data;

identifying at least one of said vendor records as qualified for receiving an invitation for bid, based on said comparison;

transmitting a solicitation to said at least one vendor;

receiving bid response data from at least one of said vendors which received said solicitation, said bid response data identifying each of the vendors from which it was received and a bid price; and

outputting to said buyer said bid response data.

2. A method according to claim 1,

wherein said job data further includes a selection criteria data, said selection criteria specifying at least one of a vendor name, a vendor capability, a descriptor of an ownership characteristic of said vendor, a descriptor of a union status of said vendor, and a vendor geographical location, and

wherein said comparison is based on said selection criteria data.

3. A method according to claim 1 further comprising steps of:
ranking bid response data according to bid price; and
publishing data to other vendors identifying said selected vendor and rank order of
said received bid data.

A1 Cont'd
sub B2 4. A method according to claim 2 further comprising steps of:
ranking bid response data according to bid price; and
publishing data to other vendors identifying said selected vendor and rank order of
said received bid response data.

5. A method according to claim 3 further comprising steps of:
ranking bid response data according to bid price; and
publishing data to other vendors identifying said selected vendor and rank order of
said received bid response data.

sub B4 7. A method according to claim 1, further comprising steps of:
transmitting from a central data server to said buyer an invoice for payment of said
bid price;
12 inputting a payment from said buyer into an escrow account serving as a single-source
accounts payable destination for the buyer's vendor payments; and
transferring a payment from said escrow account to an account of said vendor
corresponding to the invoice payment data.

8. A method according to claim 7, further comprising steps of:

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adding a job transaction fee to the vendor payment invoice.

9. A method according to claim 2, further comprising steps of:

transmitting from a central data server to said buyer an invoice for payment of said bid price;

inputting a payment from said buyer into an escrow account serving as a single-source accounts payable destination for the buyer's vendor payments; and

transferring a payment from said escrow account to an account of said vendor corresponding to the invoice payment data.

10. A method according to claim 9, further comprising steps of:

adding a job transaction fee to the vendor payment invoice.

11. A method according to claim 3, further comprising steps of:

transmitting from a central data server to said buyer an invoice for payment of said bid price;

inputting a payment from said buyer into an escrow account serving as a single-source accounts payable destination for the buyer's vendor payments; and

transferring a payment from said escrow account to an account of said vendor corresponding to the invoice payment data.

12. A method according to claim 11, further comprising steps of:

adding a job transaction fee to the vendor payment invoice.

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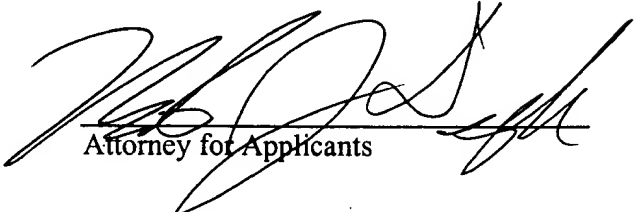
A method according to claim 1 further comprising a step of creating a web site, and

wherein step of receiving a vendor record comprises a step of said vendor visiting said web site and inputting said record using a web browser.

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